

BILL PASSED BY THE SENATE - MARCH 6, 1970

PASSED BY LOWER HOUSE - 3/17

SIGNED BY PRESIDENT - 3/26

LAW NO. _____ DATE _____ 1970

ESTABLISHING THE LAND-TO-THE-TILLER
POLICY

After discussion and vote by the National Assembly,

THE PRESIDENT OF THE REPUBLIC OF VIETNAM

promulgates Law No. _____ dated _____, 1970

fixing "Land-to-the-Tiller Policy" having the following complete
text:

CHAPTER I

OBJECTIVES - MEASURES TO BE APPLIED

ARTICLE 1. Land-to-the-Tiller Policy set forth by this law is aimed
at:

- Providing ownership to farmers by making those people actually
cultivating landowners and allowing them to receive all of the
benefits from their labor.
- Equal opportunity for advancement among all farmers.

ARTICLE 2. In order to achieve the above-mentioned objectives, the
following measures shall be applied:

1. Expropriate with fair compensation lands which are not directly
cultivated by landowners for distribution free of charge to farmers.
2. Eliminate tenancy, and land speculation by middlemen.
3. Distribution of communal riceland.

CHAPTER II

SCOPE OF APPLICATION

ARTICLE 3. This law applies to riceland and secondary cropland belonging to private persons or legal entities, under public or private jurisdiction.

ARTICLE 4. Lands recorded in the Land Register under the name of one owner will be considered as a single private property unit. Any transfer not registered prior to the promulgation date of this law is null and void. Lands registered separately under the names of a man and his wife shall be considered as a single private property unit, except in case of marriage under the separate property system.

ARTICLE 5. This law does not apply to the following categories of land:

1. Land presently directly cultivated by landowners or their spouses or parents or children or legal heirs not exceeding 15 hectares. Landowners directly cultivating have the right to hire laborers to farm.
2. Ancestral worship land (Huong Hoa, Hau Dien, and Ky Dien) and cemetery land not exceeding 5 hectares for each family.
3. Land presently owned by religious organizations.
4. Industrial cropland and orchard land (excluding crops having a life of less than one year).
5. Industrial building sites.
6. Salt fields, lakes and ponds, and pasture land on livestock farms.
7. Land designated on maps for urban planning, residential areas, and gravesites.
8. Land in experimental centers and agricultural demonstration projects.

9. Land specifically reserved in Montagnard Buons and hamlets in accordance with Decree-Laws 033/67 and 034/67 dated August 29, 1967.
10. Land for public interest.
11. Land that has never been planted in rice and is cleared after promulgation of this law.

ARTICLE 6. Categories of lands indicated in items 2,3,4,5,6,8,10 and 11 of Article 5 shall be governed by separate supplemental Laws.

Any change in land use aimed at avoiding application of this law will be considered null and void.

CHAPTER III

LANDLORD COMPENSATION

ARTICLE 7. Landlords having land expropriated will be compensated quickly and fairly.

The rate of compensation will be determined by a Special Committee. This Committee shall be established by a Decree.

ARTICLE 8. The rate of compensation shall be equivalent to two and one-half times the annual paddy yield of the land. Annual yield means the average yield during the past five years.

ARTICLE 9. Landlords shall be compensated according to the following standards:

- 20% of the value of the expropriated land shall be paid immediately in cash.
- The remainder shall be paid in bonds guaranteed by the Government over eight years and bearing 10% interest.

In case land ownership and usufruct right belong to two different persons, the compensation to each of them should be determined by the Special Committee mentioned above.

ARTICLE 10. Bonds may be pledged, transferred, used as payment of hypothecs and payment of land tax, or to buy shares in private or national enterprises.

ARTICLE 11. Rights of privileged creditors, pledgers, hypothecators or heirs will become the creditors' right with respect to the amount of compensation to landlords based on the legal status of the land in the Land Register.

CHAPTER IV

BENEFICIARIES

ARTICLE 12. Land for distribution will be distributed free of charge to each farm family with a maximum area of:

- 3 hectares in Southern Vietnam
- 1 hectare in Central Vietnam

A farm family is comprised of parents, spouse and children living together in a house and listed on the family card.

ARTICLE 13. Land for distribution shall be distributed in the following order of priority:

1. Present tiller. Present tillers are those people cultivating land belonging to another person.
2. Parents, spouse or children of war dead who will directly cultivate the land, if they have submitted an application.
3. Soldiers, civil servants and cadre when discharged or retired who will directly cultivate the land, if they have submitted an application.

4. Soldiers, civil servants and cadre who had to abandon cultivation because of the war, if they have submitted an application in order for their family to directly cultivate the land.

5. Farm laborers who will directly cultivate the land, if they have submitted an application.

In any case, land distributed added to land already owned cannot exceed the area fixed in Article 12.

ARTICLE 14. Persons receiving land are exempted from registration tax, stamp tax, land administrative fees and all other fees relating to the transfer of land, and shall be exempted from any tax related to the distributed land in the first year.

ARTICLE 15. Persons receiving distributed land must directly cultivate the land themselves.

For a period of 15 years starting from the date he becomes owner, persons receiving land distributed under this law cannot transfer ownership, or agree to establish real right on the land received except in case of prior official authorization. A person who has sold distributed land, or his spouse, will not be given land a second time.

ARTICLE 16. Any farmer who has received expropriated land under Ordinance 57 or former French-owned land and has not completed purchase payments to the Government shall be exempted from payment of the balance due. Persons who have paid over 50% of the purchase price will not be subject to Article 15 of this law.

CHAPTER V

PUNITIVE MEASURES

ARTICLE 17. Any person acting to prevent implementation of this law will be sentenced from six months to three years imprisonment or fined from VN\$20,000 to VN\$200,000 or both.

ARTICLE 18. Any landlord as determined in Article 5, paragraph 1, who refuses to directly cultivate his land shall have his entire property expropriated without compensation.

ARTICLE 19. Any farmer violating Article 15 by not directly cultivating the land will be expropriated without compensation. The land shall be redistributed to other farmers under the provisions of this law.

ARTICLE 20. Any lawsuit that occurs in the implementation of this law will be under jurisdiction of the Land Court, composed of professional judges.

Any violation of provisions regarding penal law will be under jurisdiction of the Civil Court.

CHAPTER VI

COMMON PROVISIONS

ARTICLE 21. Regulations for implementation of this law shall be fixed by Decree.

ARTICLE 22. Any provisions contrary to this law are cancelled.

This law will be promulgated according to emergency procedures and published in the Official Journal of the Republic of Vietnam.